

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

BURKE BOWERS, et al.,)	
)	
Plaintiffs,)	
)	
v.)	1:15-CV-732
)	
BB&T CORPORATION, et al.,)	
)	
Defendants.)	

BREWSTER SMITH, JR., et al.,)	
)	
Plaintiffs,)	
)	
v.)	1:15-CV-841
)	
BB&T CORPORATION, et al.,)	
)	
Defendants.)	

ORDER

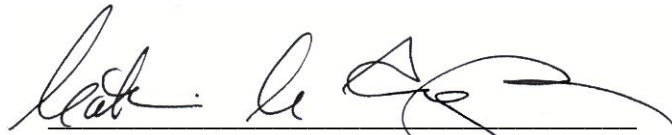
The plaintiffs have brought a civil enforcement action pursuant to the Employee Retirement Income Security Act on behalf of themselves and as representatives of a class of similarly situated persons, alleging that the defendants engaged in prohibited transactions and violated fiduciary duties in the management of their 401(k) retirement plan. (Doc. 34 ¶¶ 1-2). The plaintiffs demanded a trial by jury, (*id.* ¶ 190), and the defendants filed a motion to strike the plaintiff's demand. (Doc. 62).

Upon consideration of the record and the briefs, the Court finds that the motion should be granted. The weight of authority supports the defendants' motion. *See Perez v. Silva*, No. JKB-15-3484, 2016 WL 2625261, at *5 (D. Md. May 9, 2016); *Wood v.*

Gen. Dynamics Corp., No. 1:15cv45, 2016 WL 258620, at *5 (M.D.N.C. Jan. 19, 2016); *In re YRC Worldwide, Inc. ERISA Litigation*, No. 09-2593-JWL, 2010 WL 4920919, at *4-5 (D. Kan. Nov. 29, 2010); *Beesley v. Int'l Paper Co.*, No. 06-703 DRH, 2009 WL 260782, at *5, *8 (S.D. Ill. Feb. 4, 2009); *Termini v. Life Ins. Co. of N. Am.*, 474 F. Supp. 2d 775, 778-79 (E.D. Va. 2007); *Broadnax Mills, Inc. v. Blue Cross & Blue Shield of Va.*, 876 F. Supp. 809, 816-17 (E.D. Va. 1995). The Court finds the reasoning in these cases persuasive as applied to the claims in this case.

It is **ORDERED** that the defendants' motion to strike the plaintiffs' jury demand, (Doc. 62), is **GRANTED**.

This the 6th day of July, 2016.



UNITED STATES DISTRICT JUDGE